

REMARKS

Claims 9 and 12-18 remain in this application. None of the claims have been amended in this response. Favorable reconsideration is respectfully requested.

Claims 9, 12, 14 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eslambolchi et al.* (US Patent 5,875,422) in view of *Flanagan et al.* (US Patent 6,292,769). Claims 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eslambolchi et al.* (US Patent 5,875,422) in view of *Flanagan et al.* (US Patent 6,292,769) and further in view of *Shaffer et al.* (US Patent 6,240,170). Applicant respectfully traverses the rejections. Favorable reconsideration is requested.

The Office Action conceded that *Eslambolchi* failed to disclose the feature of automatically translating text based on a predetermined selection. In an effort to solve the deficiencies of *Eslambochi*, the Office Action relied on *Flanagan* in formulating the aforementioned rejection under 35 U.S.C. §103(a). Applicants submit this rejection is improper.

The disclosure in *Flanagan* is based off of a continuation of application No. 08/959,688 ('688 application) filed on October 29, 1997. The '688 application is a CIP of application No. 08/745,222, filed on November 8, 1996 (now U.S. Patent 5,966,685, hereinafter "the '685 patent").


The present application claims foreign priority based on German Patent Application No. 197 41 475.3 filed September 19, 1997. The signed declaration claims foreign priority based on the German '475 application. The present application was filed in the U.S. Patent Office under 35 U.S.C. § 371 from International Application No. PCT/DE98/02624. A Notification of Acceptance of Application Under 35 U.S.C. § 371 mailed by the Patent Office on May 11, 2000 acknowledged receipt of the priority document. An English language translation of the German priority application no. 197 41 475.3 was enclosed in the response dated November 20, 2003 along with a statement that the translation is accurate. Accordingly, Applicant is entitled to rely on the September 19, 1997 foreign priority filing date in Germany under 37 C.F.R. § 1.55.

After reviewing the disclosure in the '685 patent, it is apparent that the subject matter relied upon in the pending rejection is wholly absent, and that this material was added in the '688

CIP application. As such, the earliest prior art date of the cited subject matter is that of the CIP application (October 29, 1997), which is subsequent to the effective filing date of the present application (September 19, 1997). Accordingly, the relied-upon teaching of *Flanagan* is not prior art to the present application.

In light of the above arguments, Applicants submit that the above rejections are improper and should be withdrawn. Accordingly, claims 9 and 12-18 are allowable. Applicants respectfully submit that the patent application is in condition for allowance and request a Notice of Allowance be issued. The Commissioner is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with the submission of this Response. Please reference docket number 112740-078.

Respectfully submitted,
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